

## REMARKS

The present amendment is made in response to the Office Action dated December 16, 2008. Claims 1—21, and 26—31 are now present in this case. By this amendment, claims 1, 3, 4, 7, 9, 11, 12, 13, 16, 18, and 20 have been amended, no claims have been cancelled, and no new claims have been added. Claims 26—31 were previously withdrawn.

### **Rejection of claims 1 and 9 under 35 USC §103(a)**

Claims 1 and 9 stand rejected as rendered obvious by U.S. Patent No. 6,301,514 issued to Canada et al. in view of U.S. Patent No. 7,085,553 issued to Harrenstien et al. and further in view of U.S. Patent No. 6,885,862 issued to Pearson and U.S. Patent No. 5,410,737 issued to Jones.

As acknowledged in the Office Action, Canada et al., Harrenstien et al., and Pearson fail to disclose a wireless transceiver unit and a wireless base unit "configured to communicate over a wireless control channel and a voice traffic channel, the polling method comprising: sending, call record information related to usage of the voice traffic channel over the control channel in response to the information request message." (Page 4, lines 10-14). For this element, the Office Action cites Jones at column 4, line 61 to column 5, line 2.

Jones teaches a Channel Utilization Controller (CUC) 50 that controls the assignment of frequencies to each base station 32. (Column 6, lines 15-17). Neither the CUC 50 nor the base stations 32 are described as requesting call related information from subscriber units 36. Therefore, the Office Action appears to be mapping the wireless transceiver unit recited in claim 1 to a base stations 32 and the wireless base unit recited in claim 1 to the CUC 50. However, the CUC 50 is not described as being a wireless base unit. Instead, the CUC is illustrated as having a wired connection to the PCS Telephone Switching Offices ("PTSO") 38, which is interconnected with the Public Switched Telephone Network ("PSTN") 40. The CUC 50 is described as having dedicated communications links 55, 80, 82 to the PCS base stations 32 via the PTSO 38. (Column 6, line 67 to column 7, line 3).

Therefore, Jones does not teach or suggest receiving an information request message at the wireless transceiver unit over the wireless control channel and in response to the information request message, sending call record information related to usage of the voice traffic channel from the wireless transceiver unit to the wireless base unit over the wireless control channel.

Amended independent claim 1 recites receiving an information request message at the wireless transceiver unit over the wireless control channel and in response to the information request message, sending call record information related to usage of the wireless voice traffic channel from the wireless transceiver unit to the wireless base unit over the wireless control channel. Because Canada et al., Harrenstien et al., Pearson, and Jones alone and in hypothetical combination fail to teach or suggest these elements of claim 1, withdrawal of this ground for rejection is respectfully requested.

Amended independent claim 9 recites sending an information request message from the wireless base unit to the wireless transceiver unit over a wireless communication channel, the information request message requesting call record information related to usage of the wireless voice traffic channel. The claim further recites at the wireless base unit, receiving call record information from the wireless transceiver unit over the wireless control channel in response to the information request message. Therefore, for at least the reasons provided above, claim 9 is allowable over the cited references and withdrawal of this ground for rejection is respectfully requested.

**Rejection of claims 2, 3, 5, 8, 10, 11, and 14—17 under 35 USC §103(a)**

Claims 2, 3, 5, 8, 10, 11 and 14-17 stand rejected as rendered obvious by Canada et al. in view of Harrenstien et al. and further in view of Pearson and Jones and further in view of U.S. Patent No. 5,315,636 of Patel.

The Office Action acknowledges “[t]he combination of Canada, Harrenstien, Pearson and Jones does not specifically disclose polling is initiated in response to a detected problem.” (Page 5, lines 8—10). For this element, the Office Action cites Patel as teaching “polling is initiated in response to a detected problem (see

column 3, lines 15-25 and column 10, lines 24-44)." (Page 5, lines 11—12). However, Patel simply includes no such teachings.

Patel discloses a personal telecommunications system that enables a subscriber to have a single personal telephone directory number. As explained at column 3, lines 15—25, the location of the subscriber is determined by a plurality of radio base stations that periodically poll their surrounding area for proximately located subscriber personal communicators. Each personal communicator in the area responds by notifying the polling base station of the subscriber's presence. This location information is then relayed to a service node.

At column 10, lines 24—44, a base station coupled to a vehicle is described. In a base station coupled to a vehicle, the base station powers up when the vehicle is started. (Column 10, lines 27—30). If the personal communicator is not functioning, an alarm is triggered because the base station will assume an unauthorized person has started the vehicle. (Column 10, lines 32—36). On the other hand, "[w]hen the vehicle is turned off, the base station 28 therein maintains power for long enough to send a message to the service node that the subscriber is no longer present for communication at the vehicle's cellular phone." (Column 10, lines 38—42, emphasis added). This feature is also provided in other remote base station in the event of a power failure. (Column 10, lines 42—44).

Thus, contrary to the assertions in the Office Action, Patel does not teach polling is initiated in response to a detected problem. Instead, the cited portions of the reference teach (1) polling after powering up, and (2) sending a message to the service node following a power failure. Therefore, withdrawal of this ground for rejection of claims 2, 3, 5, 8, 10, 11, and 14—17 is respectfully requested.

#### **Rejection of claims 4 and 12 under 35 USC §103(a)**

Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, Jones, Patel, and U.S. Patent No. 6,058,420 issued to Davies.

Davies fails to cure the deficiencies of Canada et al., Harrenstien et al., Pearson, Jones, and Patel. As explained in a previously filed amendment filed on April

28, 2008, Davies teaches sending polling messages that determine whether an interface is failing and has nothing whatsoever to do with sending or receiving call record information. Therefore, withdrawal of this ground for rejection is kindly requested.

**Rejection of claims 6 and 7 under 35 USC §103(a)**

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, Jones, and U.S. Patent No. 6,014,374 issued to Paneth et al. Paneth et al. does not disclose polling wireless transceiver units for any reason whatsoever.

Paneth et al. fails to cure the deficiencies of Canada et al., Harrenstien et al., Pearson, and Jones because Paneth et al. does not teach or suggest sending or receiving call record information related to usage of the wireless voice traffic channel over a wireless control channel in response to an information request message requesting such information. Therefore, withdrawal of this ground for rejection is kindly requested.

**Rejection of claim 13 under 35 USC §103(a)**

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, Jones, and U.S. Patent No. 6,347,092 issued to Serikawa et al.

Claim 13 depends from claim 9 and is allowable over the combination of Canada et al., Harrenstien et al., Pearson, and Jones for at least the reasons presented above. Serikawa et al. fails to cure the deficiencies of Canada et al., Harrenstien et al., Pearson, and Jones because Serikawa et al. does not teach or suggest sending or receiving call record information related to usage of the wireless voice traffic channel over a wireless control channel in response to an information request message requesting such information. Instead, Serikawa et al. discloses a time division multiple access communication technique.

**Rejection of claim 18—21 under 35 USC §103(a)**

Claims 18—21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Serikawa et al., Patel, and U.S. Patent No. 4,882,746 issued to Shimada et al.

Starting with Canada et al., a machine monitoring system, the Office Action asserts one would add the data tear down aspects of Serikawa et al. to “prevent collision.” However, Canada et al. explicitly teaches “[t]he wireless machine monitoring system is configured so that only one element of the system is communicating at any given time.” (Abstract, emphasis added). This feature is described in column 10, 21-65. Therefore, Canada et al. already discloses a means of avoiding collisions. Thus, one of ordinary skill in the art would have no reason whatsoever to combine these references as suggested. In other words, the combination proposed in the Office Action is an improper product of hindsight.

Next, the Office Action asserts, one of ordinary skill in the art would modify Canada et al. and Serikawa et al. using the teachings of Patel to include polling the wireless transceiver unit for information in response to detecting that the power failure has occurred. The motivation for doing so provided is to “to rationalized the data processing by transmit the accumulated data.” Applicants are unsure what is meant by this phrase because the terms “rationalized” and “accumulated” do not appear in Patel. If this rejection is maintained, applicants respectful request clarification of this motivation to combine.

Finally, the Office Action asserts, one of ordinary skill in the art would modify Canada et al., Serikawa et al., and Patel using the teachings of Shimada et al. to include maintaining a voice traffic channel used by the wireless transceiver unit after detecting that the power failure has occurred. However, Shimada et al. merely teaches a cordless telephone system having a master unit and a plurality of sub-units. The master unit has an analog delay circuit (unnumbered but illustrated in Figure 7) configured to maintain a transmission for a predetermined period after the power is turned off. (Column 14, lines 12—15).

Shimada et al. does not teach a data traffic channel. Therefore, the delay circuit does not appear to distinguish between voice and data traffic channels. Thus,

the delay circuit would continue transmission of the entire analog signal including both voice and data traffic channels. In contrast, claim 18 recites maintaining a voice traffic channel after detecting that the power failure has occurred and tearing down a wireless data traffic channel in response to detecting that the power failure has occurred.

For at least the reasons discussed above, Canada et al., Serikawa et al., Patel, and Shimada et al. alone and in hypothetical combination fail to teach or suggest the invention of claims 18—21.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Commissioner is hereby authorized to charge any fees believed necessary and credit any overpayment to Deposit Account No. 04-0258 of Davis Wright Tremaine LLP.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,  
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